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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,484	03/02/2004	Giancarlo Cassarino	930026-2017	1887

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

WELCH, GARY L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5A

Office Action Summary	Application No. 10/791,484	Applicant(s) CASSARINO, GIANCARLO	
	Examiner Gary L. Welch	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-12 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11012004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because the drawings appear to be photocopied and the lines and reference numbers are not clean and neat. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top

Art Unit: 3765

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergozza (EP 1,024,202).

Bergozza discloses an apparatus for use in a leather industry for embossing leather textiles. The apparatus has first and second rolls, a heated embossing roll 2 operable to have the leather textile 4 wrapped around at least a portion thereof, a tension roll and a felt belt 3 operable to be wrapped around at least a portion of the tension roll and the first and second rolls and over the leather textile wrapped around the embossing roll. The apparatus is operable to enable the leather textile 4 to be conveyed around the embossing roll between the felt belt and the embossing roll so as to be embossed (see figure below).



With regard to claims 4 and 9, the felt belt 3 has a high thermal, chemical and mechanical resistance and is permeable to fluid (Col. 3, lines 52-54). The claim language does not define what the applicant considers as high thermal, chemical and mechanical resistance. Additionally, it is reasonable to believe that the

temperatures, mechanical stress and chemicals used in the prior art are in line with applicant's apparatus.

With regard to claims 5 and 10, the embossing roll 2 and the felt belt 3 is a texturing medium.

With regard to claims 6 and 11, the leather textile is a natural leather material.

With regard to claim 8, the invention is disclosed in one or more of the above rejected claims.

5. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergozza (EP 1,024,202) in view of Civardi et al. (U.S. 4,341,581).

Bergozza discloses the invention substantially as claimed above. Also, Bergozza discloses that the apparatus encompasses embossing additional material other than hides.

However, Bergozza does not specifically disclose embossing of artificial leather as claimed.

Civardi et al. teaches an apparatus for embossing artificial leather such as leather coated with a polyurethane or polyvinyl chloride using belt and a series of rolls 32 having no nip therebetween.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use artificial leather such as leather coated with a polyurethane or polyvinyl chloride as taught by Civardi et al. on the apparatus of

Bergozza so as to have an apparatus that embosses both natural and artificial leather products.

Conclusion

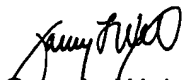
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizoguchi et al. (JP 10266079) discloses a method for embossing a leather like sheet (i.e., fibrous sheet with a thermoplastic resin) utilizing a series of rollers, a heated embossing roll and an endless belt wherein there is no nip between the series of rollers. Bajak '166 discloses a rotary press for embossing leather having a series of rollers and an embossing roller forming no nip therebetween and a felt belt. Kruger et al. '946 disclose an apparatus having a heated drum, a series of rollers, a tensioning drum and a felt belt. Schmidt et al. '525 disclose a method for embossing fibers using heated embossing rolls. Dokoupil '526 discloses a conventional type embossing machine having an embossing roll, a felt belt and a series of rollers forming a nip therebetween.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw